

REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on September 11, 2006, and the references cited therewith.

Claims 1, 4, 5, and 10 are amended, claims 2 and 13 are canceled, claims 18-61 are withdrawn, and claims 62-76 are added; as a result, claims 1, 3-12, 14-17, and 62-76 are now pending in this application.

Affirmation of Election

Restriction to one of the following claims was required:

- I. Claims 1-17, drawn to a catalyst, classified in class 502, subclass 302.
- II. Claims 19-31, drawn to a method of diffusing a catalyst, classified in class 20/, subclass 420.
- III. Claims 32-61, drawn to a gas diffusion electrode, classified in class 204, subclass 284.

As provisionally elected by Applicants representative, David B. Fonda, on August 18, 2006, Applicant elects to prosecute the invention of Group I, claims 1-17.

The claims of the non-elected invention, claims 18-61, are hereby withdrawn. However, Applicant reserves the right to later file continuations or divisions having claims directed to the non-elected inventions.

§102 Rejection of the Claims

Claims 1, 3, 6 and 8-12, and 14-17 are rejected under 35 USC § 102(b) as being anticipated by Tseung et al. (U.S. Patent No. 3,922,204). Claims 1, 3, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Munakata et al. (U.S. patent No. 6,060,420).

§103 Rejection of the Claims

Claims 8-12 and 14-17 were rejected under 35 USC § 103(a) as being unpatentable over Tseung et al. (U.S. Patent No. 3,922,204). Claims 8-12 and 14-17 are rejected under U.S.C. 103(a) as being unpatentable over Munakata et al. (U.S. Patent No. 6,060,420).

Allowable Subject Matter

Claims 2, 4, 5, 7, and 13 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Amendments and New Claims

Claim 1 was amended to incorporate the allowable subject matter of Claim 2 and Claim 2 has been cancelled. Claim 3 was amended to remove a typographical error. Claim 4 was amended and claims 65-67 were added to more clearly describe the invention in light of the amendments to Claim 1. Claim 5 was amended to fix typographical errors and to clarify claim dependencies in light of the amendment to Claim 1. Claim 10 was amended to include the allowable subject matter of Claim 13 and Claim 13 has been cancelled.

New claims 62-69 contain no new matter and are supported by the specification. Claim 62 is supported at least by paragraph 18 which references alpha and beta sites with the beta site having a greater molar ratio of cations. Claims 63-64 are also supported by paragraph 18 which identifies the catalyst as comprising a perovskite-type compound. It is well known in the art that the basic chemical formula for a perovskite structure follows the pattern ABO_3 , where A and B are cations of different sizes. (See definition of "perovskite" found at <http://en.wikipedia.org/wiki/Perovskite>). Claims 65-67 are supported at least by paragraphs 20 and 39 which identify possible metals that could be used for A, A', B, and B'. Claim 68 is supported in the specification at least by paragraph 22, which references catalysts having cations with a smaller crystal ionic radius at the beta site than at the alpha site. Claim 69 is supported by paragraph 18 as noted above. Claims 70-76 are supported by paragraph 36 and contain specific examples of catalysts believed to be allowable in light of Examiner's latest office action.

Conclusion

Independent Claims 1 and 10 have been amended to incorporate allowable subject matter. Claims 3-9 depend from Claim 1, and claims 11, 12, and 14-17 depend from claim 10. Accordingly, Applicant respectfully submits that claims 1, 3-9, 10-12, and 14-17 are in condition for allowance and notification to that effect is earnestly requested. New Claims 62-67 depend from Claim 1 which has been amended to capture allowable subject matter. New Claim 68 incorporates allowable subject matter from original Claim 7 and Claim 69 depends from Claim 68. New Claims 69-76 Thus, Applicant respectfully submits that new claims 62-69 are also in condition for allowance and require no new search. Finally, Claims 70-76 contain variations of specific catalysts that are believed to be allowable.

The Examiner is invited to telephone Applicant's attorney (801-978-2186) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-3586.

Respectfully submitted,

JOHN HOWARD GORDON ET AL.

By their Representative,

Date

1/11/2007

By

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